

Downing, Arthur Howard 3-

1682

CONF007989

DYKES_I_005860

CONFIDENTIAL RECORD SHEET
REGISTRATION AND MEMBERSHIP
BOY SCOUTS OF AMERICA

DATE 2/11/75

FULL NAME (Howard) Arthur H. Downing III
(No initials if you can possibly get full name)

ADDRESS 437 D. Street

CITY Blaine STATE Washington ZIP CODE 98230

AGE 38 (This is important and should be exact)

APPROXIMATE AGE _____ (To be used ONLY when exact age is not known)

RELIGION Unknown NATIONALITY U.S. Citizen (White)

OCCUPATION Has been on Welfare, Taxi Driver, Security Guard.

EDUCATION Unknown

WEIGHT 250 to 270 COLOR _____ HEIGHT 5'10"

COLOR OF HAIR brown COLOR OF EYES blue

OUTSTANDING CHARACTERISTICS OR INTERESTS Unknown

MARRIED OR SINGLE married/separated CHILDREN none
(Number, ages, and names, if possible)

WIFE'S NAME unknown

SCOUTING CONNECTIONS:

<u>UNIT #</u>	<u>CITY</u>	<u>STATE</u>	<u>OFFICE</u>	<u>DATE REGISTERED</u>	<u>DATE RESIGNED</u>
Troop 25	Bellingham,	Wash.	S.M.	2/17/72	October, 1974
SPECIAL RECOGNITION _____					

RECOMMENDED FOR CONFIDENTIAL FILE FOR FOLLOWING REASONS:

Mr. Downing is presently at Western State Hospital (please refer to enclosed material)

signed

Paul L. Bann

SCOUT EXECUTIVE

Council Mount Baker Area #603

CONF007990

DYKES_I_005861

March 14, 1975

Mr. Joseph S. Barney
Scout Executive
Mt. Baker Area Council, No. 603

PERSONAL AND CONFIDENTIAL
Re: Arthur H. Downing, III

Dear Mr. Barney:

Thank you for the confidential record sheet and copy of the court case concerning the above Scouter. We have placed this information in our file. This information should help us in the future, should this individual ever again attempt to register in the Scouting program.

Sincerely,

Paul I. Ernst, Manager
Registration & Subscription Service

af

CONF007991

DYKES_I_005862

FILED
JENNIA GRAHAM
CLERK

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON DEC 30 PM 1 3
FOR WHATCOM COUNTY

THE STATE OF WASHINGTON,)
Plaintiff,) No. 8711
vs.)
ARTHUR HOWARD DOWNING, Jr. III) ORDER OF COMMITMENT FOR
Defendant.) OBSERVATION

FILED IN COUNTY
OF WASHINGTON
BY 18

THIS MATTER having come on regularly for hearing before the above-entitled court upon the petition of JAMES M. DORAN, Deputy Prosecuting Attorney for Whatcom County, Washington and the said ARTHUR HOWARD DOWNING, Jr. III, being present and represented by his counsel, JAMES G. BELL, and the Court having examined the petition, and having considered the files and records herein, and the defendant having waived the statutory requirement of medical testimony by two duly licensed physicians, and the Court finding that there is reasonable ground to believe that the said ARTHUR HOWARD DOWNING, Jr. III is a sexual psychopath; now, therefore,

IT IS ORDERED that the said ARTHUR HOWARD DOWNING, Jr. III be confined at Western State Hospital for observation as to the existence of sexual psychopathy for a period not to exceed ninety days, and the defendant shall be returned to the Whatcom County Jail within ninety days until further order of this court; and a psychiatric evaluation and report shall be submitted to this court.

IT IS FURTHER ORDERED that the said ARTHUR HOWARD DOWNING Jr. III to remain free on his personal recogni^{zance}-/pending execution of this observation order by the Department of Social and Health Services and be returned

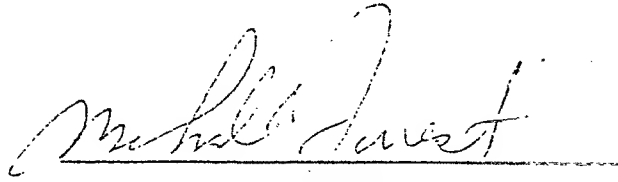
Order of Commitment
for Observation - 1

CONF007992

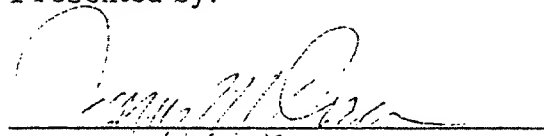
DYKES_I_005863

to the Whatcom County Jail upon completion of the observation order for further proceeding.


DONE IN OPEN COURT this 2^c day of DECEMBER, 1974.


JUDGE

Presented by:


JAMES M. DORAN
Deputy Prosecuting Attorney

Approved for entry and copy received:


JAMES G. BELL
Attorney for Defendant

State of Washington, }
County of Whatcom } ss.

I, Jenna Graham, County Clerk of Whatcom County and ex-officio Clerk of the Superior Court of the State of Washington, for the County of Whatcom, do hereby certify that the foregoing instrument is a true and correct copy of the original, consisting of two pages now on file in my office, and that the undersigned has been in custody thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of said Court at my office at Bellingham this 3 day of March 1975.

JENNA GRAHAM, Clerk

By Mary Watts
Deputy Clerk

Order of Commitment
for Observation - 2

CONF007993

DYKES_I_005864

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR WHATCOM COUNTY

FILED
JENNA GRAHAM
CLERK

1974 DEC 27 AM 11 00

THE STATE OF WASHINGTON,)

Plaintiff,)

vs.)

ARTHUR HOWARD DOWNING, JR. III,)

Defendant.)

No. 8711 JENNA COUNTY
WASHINGTON

BY lh

STATEMENT OF DEFENDANT ON
PLEA OF GUILTY

1. My true name is ARTHUR HOWARD DOWNING, JR. III

2. My age is 38

3. My lawyer is JAMES G. BELL

4. The court has told me that I am charged with the crime of Sodomy

The maximum sentence for which is 20 years per count

5. The court has told me that:

- I have the right to have counsel (a lawyer), and that if I cannot afford to pay for counsel, one will be provided at no expense to me.
- I have the right to a trial by jury.
- I have the right to hear and question witnesses who testify against me.
- I have the right to have witnesses testify for me. These witnesses can be made to appear at no expense to me.
- The charge must be proven beyond a reasonable doubt.

6. I plead Guilty to the crime of Sodomy; Counts 1 & 2

7. I make this plea freely and voluntarily.

8. No one has threatened harm of any kind to me or to any other person to cause me to make this plea.

9. No person has made promises of any kind to cause me to enter this plea except as set forth in this statement.

Statement of Defendant on
Plea of Guilty - 1

293 318

CONF007994

DYKES_I_005865

10. I have been told the Prosecuting Attorney will take the following action and make the following recommendation to the court:

After observation at Western State Hospital -- If found to be a sexual psychopath and treatable, that he be given a 5 year deferred sentence on the condition that he be on probation for 5 years, remain with the Department of Institutions at Western State Hospital until such time as he is no longer a sexual psychopath OR IN THE ALTERNATIVE if he is found not to be a sexual psychopath but not amenable to treatment, the recommendation is the Department of Institutions.

12. The court has told me that if I am sentenced to prison the Judge must sentence me to the maximum term required by the law, which in this case is 30 years per count

The minimum term of sentence is set by the Board of Prison Terms and Paroles. The Judge and Prosecuting Attorney may recommend a minimum sentence to the Board but the Board does not have to follow their recommendation. I have been further advised that the crime with which I am charged carries a mandatory minimum of _____

(If not applicable, this sentence shall be stricken and initialed by the defendant and the Judge.)

13. The court has asked me to state briefly in my own words what I did that resulted in my being charged with the crime in the information. This is my statement:

In the evening, on or about the last Friday in Feb 1974 I submitted to allow [REDACTED] to use my body sexually by way of Anna and then I did the same to him.

Two or three weeks later sometime in March 1974 this same thing happened again with me doing it first to [REDACTED] and then he returned did it to me

[Signature]

Statement of Defendant
on Plea of Guilty


CONF007995

DYKES_I_005866

14.

I have read or have had read to me all of the numbered sections above (1 through 14) and have received a copy of "Statement of Defendant on Plea of Guilty". I have no further questions to ask of the court.

DATED THIS 27th day of DECEMBER, 1974.


DEFENDANT

The above statement was read by or read to the defendant and signed by the defendant in the presence of his attorney, JAMES G. BELL, (Deputy) Prosecuting Attorney JAMES M. DORAN, and the undersigned Judge in open court.


JUDGE

State of Washington, }
County of Whatcom } SS.

I, Jenna Graham, County Clerk of Whatcom County and ex-officio Clerk of the Superior Court of the State of Washington, for the County of Whatcom, do hereby certify that the foregoing instrument is a correct copy of the original, consisting of three pages now on file in my office, and that the undersigned has the custody thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of said Court at my office at Bellingham this 3 day of March, 1975.

JENNA GRAHAM, Clerk

By Mary Watts
Deputy Clerk

Statement of Defendant
on Plea of Guilty - 3

CONF007996

DYKES_I_005867

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR WHATCOM COUNTY

THE STATE OF WASHINGTON,

Plaintiff,

AMENDED

No. 8711 JENNA GRAHAM
INFORMATION
COUNTY CLERK

FOR

1974 OCT 28 PM 3 30

vs.

WHATCOM COUNTY
WASHINGTON

SODOMY, COUNTS I, II & III

ARTHUR HOWARD DOWNING, JR. III,

Defendant,

I, JAMES M. DORAN, Deputy, Prosecuting Attorney in and for the County of
Whatcom, State of Washington, come now here in the name and by the authority of the State of Washington,
and by this amended information do accuse ARTHUR HOWARD DOWNING, JR. III,

with the crime of
SODOMY, COUNTS I, II & III committed as follows:

then and there being in Whatcom County, Washington,

COUNT I

On or about the 18th day of May, 1974, said defendant, ARTHUR HOWARD
DOWNING, JR. III, then and there being in said county and state, did
wilfully, unlawfully and feloniously carnally know John Doe, a male
juvenile of the age of twelve years, by the anus, contrary to RCW
9.79.100(1);

CONF007997

DYKES_I_005868

1975 JAN 7 PM 1 25

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR WHATCOM COUNTY

THE STATE OF WASHINGTON,)

Plaintiff,)

vs.)

ARTHUR HOWARD DOWNING, Jr. III,)

Defendant.)

No. 8756

ORDER OF DISMISSAL AND
EXONERATION OF BAIL

WHATCOM COUNTY
WASHINGTON

BY John T. Borst

THIS MATTER coming on upon the motion of JOHN T. BORST
 , Deputy Prosecuting Attorney for Whatcom County, Wash-
ington, for an order dismissing the above-entitled cause for the reason that
the defendant in the above matter has pled guilty to Counts I & II of the Amended
Information in cause #8711; and that the ends of justice will best be served by
dismissal of the above-entitled cause, and the Court being fully advised in
the premises;

IT IS HEREBY ORDERED that said motion be and the same is hereby
granted; that the said cause be and it is hereby dismissed for the reason
aforesaid.

IT IS FURTHER ORDERED that the bail in the above-entitled matter,
be and hereby is returned to the person who posted said bail.

DONE IN OPEN COURT this 7 day of JANUARY, 19 75.

Michael J. Forest
JUDGE

Presented by:

John T. Borst
JOHN T. BORST
Deputy Prosecuting Attorney

299 199

CONF007998

DYKES_I_005869

I, Jenna Graham, County Clerk of Whatcom County and
 ex-officio Clerk of the Superior Court of the State of Wash-
 ington, for the County of Whatcom, do hereby certify that
 the foregoing instrument is a true and correct copy of the
 original, consisting of one page, now on file in my
 office, and that the undersigned has the custody thereof.
 IN TESTIMONY WHEREOF, I have hereunto set my hand
 and affixed the Seal of said Court at my office at Belling-
 ham this 28 day of February, 1973.
 JENNA GRAHAM, Clerk

By Mary Lutz
 Deputy Clerk

C-74-6035 No 2804

DID 9-18-74 AT AM
ON PM

IN WHATCOM COUNTY, Washington

STATE STATUTE RCW ☐ VIOLATE
COUNTY ORDINANCE NO ☐
COUNTY RESOLUTION NO ☐ RCW 69.50.40(2)

TO WIT: Possession of A
Controlled Substance to-wit:
Marihuana

I CERTIFY UNDER PENALTIES OF PERJURY THAT I HAVE REASONABLE GROUNDS TO AND
DO BELIEVE THAT THE ABOVE PERSON COMMITTED THE ABOVE OFFENSE IN CONTRARY
TO LAW. *Carol Burck*

Det. Ron. Attles DATE 9-23-74 MAIL 250

I, Clerk of Whatcom County District Court, do hereby certify that the foregoing instrument is a true and correct copy of the original, consisting of 22 pages, now on file in my office, and that the undersigned has the custody thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand at my office at Bellingham this 22 day of February 19 75

PAID TO State & Downing
Appeal Bond
NOV-13-74 28535 • 8756 33 1 CK TR R 300.00
JENNA GRAHAM
COUNTY CLERK
WHATCOM COUNTY
BELLINGHAM, WASHINGTON

State of Washington
County of Whatcom

1. Clerk of Whatcom County District Court, do hereby certify that the foregoing instrument is a true and correct copy of the original, consisting of 2 pages, now on file in my office, and that the undersigned has the custody thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand at my office at Bellingham this 28 day of February 1975

Leads Rider
Clerk

CONF008000

DYKES_I_005871

NO 716-11925
RECEIVED

SEP 26 1974

Docket No.

Case No.

WHATCOM COUNTY DISTRICT COURT,
COURTHOUSE
BELLINGHAM, WASHINGTON

State of Washington

Plaintiff.

vs.

ART DOWNING

WARRANT

TO ANY PEACE OFFICER IN THE STATE OF WASHINGTON:

JOHN T. BORST

WHEREAS Deputy Prosecuting Attorney has
complained on oath in writing to the above entitled Court,

that on or about the 18 day of September, 19 74
in the County of Whatcom, the above named defendant

did commit the offense of POSSESSION OF A
CONTROLLED SUBSTANCE, to-wit:

marihuana

Therefore, in the name of the State of Washington,
you are commanded to apprehend the said defendant and
bring him before the above entitled court to be
dealt with according to law.

Given under my hand this 23 26 day of

September, 19 74

Judge

BAIL \$

100.00

A hearing as to the amount of the bail will be granted
upon your request.

Served:

10-11-74

Officer:

McLure
Westley

State of Washington }
County of Whatcom }

I, Clerk of Whatcom County District Court, do hereby
certify that the foregoing instrument is a true and correct
copy of the original, consisting of 2 pages, now
on file in my office, and that the undersigned has the
custody thereof.

IN TESTIMONY WHEREOF, I have hereunto set my
hand at my office at Bellingham this 23 day of
September, 19 74

Richard M. [Signature]
Clerk

CONF008001

DYKES_I_005872

February 14, 1975

Mr. Joseph S. Barney
Scout Executive
Mt. Baker Area Council, No. 603

PERSONAL AND CONFIDENTIAL
Re: Arthur H. Downing, III

Dear Mr. Barney:

Thank you for your letter of February 5, and the attached newspaper clipping concerning Arthur H. Downing. We have placed this information in our file.

However, we would appreciate receiving if possible a copy of the police or court record. This information would be most important for future reference purposes and it would certainly strengthen our position of refusing to accept any future application for registration we might receive from this individual.

Enclosed is a confidential record sheet which we would appreciate filling out the missing information and returning it to us as soon as possible. This will help us to identify Mr. Downing should he ever again attempt to register in the Scouting program.

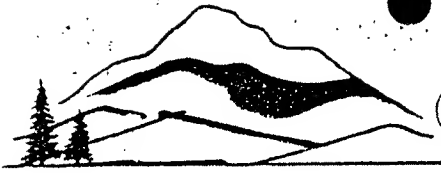
Sincerely,

Paul I. Ernst, Manager
Registration & Subscription Service

af
Encl.

CONF008002

DYKES_I_005873



Council 603
Phone 734-3940



Mount Baker Area Council

BOY SCOUTS OF AMERICA

3313 Meridian Street
Bellingham, Wa. 98225

February 5, 1975

Mr. Paul I Ernst, Manager
Registration and Membership
Boy Scouts of America
North Brunswick, N.J. 08902

Dear Paul:

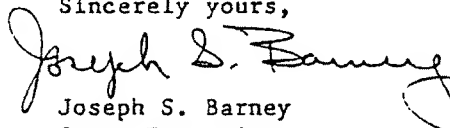
It is the desire of this council that Arthur H. Downing III, 437 D. Street, Blaine, Washington, 98230, formerly Scoutmaster of Troop 25, be removed from the registration roster of the Boy Scouts of America.

Please refer to the enclosed copies of news clippings. In addition, I have met with the Board of Directors of the Blaine Lions Club (troop 25 sponsor) and they have since removed Downing as Scoutmaster.

This man is 5' 10" tall, brown hair, blue eyes, weight about 250 to 270, last seen wearing a beard. Has been married but is separated from his wife (wife's name unknown). No children that I am aware of.

As soon as sentencing takes place through the Whatcom County Superior Court, I will forward the information to you.

Sincerely yours,


Joseph S. Barney
Scout Executive

JSB/jsb
Enclosure

serving whatcom, skagit, san juan and island counties.

CONF008003

DYKES_I_005874

NOVEMBER 5 - 1974
JAILED - A man who faces three sodomy charges in Whatcom County Superior Court has been given a 90 day jail sentence in district court for the possession of marijuana. The sentence was meted out by Judge Leslie

Lee after Art Downing, 38, 437 D St., Blaine, pleaded innocent to the charge.

An appeal bond of \$300 was established after Downing indicated he intended to appeal the decision.

He is currently on
sentence.

11-17-74

APPEALS DECISION-Arthur Howard Downing, 38, 437 D St., has appealed a Nov. 4 decision in Whatcom County District court finding him guilty of possession of marijuana. Judge Leslie A. Lee sentenced him to 90 days in jail.

An appeal bond of \$300 has been established.

12-22-74

TO BE EXAMINED-A man accused of sodomy will receive a thorough psychiatric examination at Western State Hospital.

Arthur Howard Downing, 38, Blaine, and his attorney waived the requirement that two local psychiatrists make an examination prior to such action being taken.

Judge Swedberg refused to order a similar procedure for Joel Peter Kelper, 19, 1714 12th St., charged with indecent exposure. On Nov. 27, a jury was unable to reach a verdict in his case.

Judge Swedberg told Deputy Prosecutor Doran to prepare an affidavit stating the reasons why an examination for possible sexual psychopathy is warranted. The matter will be considered again in two weeks.

make resolution.

12-29-74

Arthur Howard Downing, 38, 437 D St., Blaine, pleaded guilty to two counts of sodomy. His sentencing was postponed until the results of an ex-

amination for sexual psychopathy are completed.

Tommy Jones 10 1212 W. Main St.

CONF008004

DYKES_I_005875